REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-27 were pending for consideration in this application.

Claim 1 is amended to include the limitations of dependent claim 2, which is canceled.

Independent claim 10 is amended to include the limitations of dependent claims 11 and 20, which are canceled. The combination of elements now presented in claim 10 are not shown or suggested in the references cited by the Examiner.

Independent claim 24 is amended to clarify that the threshold limits are integers. No new matter is added with support found at least in the original claim that called for comparing the limit to an incremented number.

The claim amendments merely add previously stated limitations to independent claims 1 and 10 and provide a minor clarification of claim 24 language, and as a result, do not raise new issues or require a new search. The claim amendments place the application in condition for allowance or in better form for appeal and therefore, should be entered and considered at this time (see, 37 CFR §1.116 and MPEP §714.12).

Claims 1, 3-10, 12-19, and 21-27 remain in the application for consideration by the Examiner.

Rejections under 35 U.S.C. 102

In the Office Action dated September 8, 2004, claims 10-12, 15-18, 20, and 24-27 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,591,296 ("Ghanime"). Claims 11 and 20 are canceled with their limitations being added to claim 10. The rejection of claims 10, 12, 15-18, and 24-27 is respectfully traversed based on the following remarks.

Claim 10 is directed to a method for automatically responding to error alerts created by computer network devices. The method includes "performing diagnostics for the one network device to obtain diagnostic information and verifying location information in the failure information to obtain verified location information." The job ticket creating then "includes the diagnostic information and the verified location information." The April 21, 2004 Office Action cited Ghanime at col. 2, lines 52-61 for teaching these limitations. Ghanime at this citation provides no teaching of performing diagnostics on a machine associated with the sensor that detected a condition on a machine or of verifying location information for the machine.

Instead, Ghanime teaches automatically generating an email in response to a sensor detecting a fault and including an identifier of the sensor in the addressor line. The addressor line includes the plant location of the machine but this location is not verified in Ghanime. Applicant does not believe such a verification could be inferred from the Ghanime teaching. In the September 8, 2004 Office Action, the Response to Arguments did not address Applicant's prior arguments for allowing dependent claim 20 and simply repeated the rejection of the earlier Office Action. Based on the above remarks, it can be seen that Ghanime does not support a rejection of claim 10.

Further, the method of claim 10 includes receiving an error alert comprising failure information, and "validating the received error alert as being transmitted by one of the network devices by comparing the failure information" in the alert with the identification information in the network device file. The method continues with "if the received error alert is validated" creating a job ticket. As amended, the validating includes comparing a network domain in the identification information with a domain in the failure information of the error alert. Ghanime fails to teach comparing a network domain in the identification information to validate the message.

The September 9, 2004 Office Action cites col. 4, lines 14-16 and col. 5, lines 11-20 of Ghanime, but at this citation, Ghanime teaches that each sensor has an email account with a website domain name but **no teaching of comparing this domain name to a list for validation** is provided in Ghanime. In the Response to Arguments, the Examiner did not address Applicant's earlier presented reasons for allowing dependent claim 11, which previously presented this limitation of claim 10. Hence, Applicant requests that Examiner provide a reference teaching comparing domain information provided in the failure information of a network device with domain information stored in identification to validate a received error alert or withdraw this rejection.

More generally, as Applicant argued in his prior response, Ghanime fails to teach validating received error alerts by comparing information in received alerts with identification information and further fails to only create a job ticket "if the received error alert is validated." The Office Actions cite Ghanime at col. 4, lines 14-16 for teaching the validation of received error alerts. However, at this citation, Ghanime teaches that upon detection of a fault a sensor on a machine generates the fault and an "OSM generates an email message listing the email account for the sensor." The OSM is not taught as "validating" the sensor prior to generating the email and Ghanime never suggests that the recipient validates the OSM-generated email by comparing information in the email with a listing of sensors. Instead, Ghanime simply teaches the use of sensor identifiers for allowing a reader of the email to determine which sensor issued identified the fault.

Further, claim 10 also requires that a job ticket is only generated if the error alert is validated. Ghanime is cited in the Office Action at col. 2, lines 52-61 for providing this teaching. At this citation, Ghanime is teaching that an email is generated every time a fault is detected and that the sensor is identified in the "addressor line of the email message." There is no checking to determine if the email has been validated prior to generating the email message but **instead every fault results in an email which must be processed** by recipients or

addressees. For these reasons, the method of claim 10 is not shown or even suggested by Ghanime, and claim 10 is in condition for allowance.

The Response to Arguments portion of the September 8, 2004 Office Action argues that validating is "inherent" in the teaching of Ghanime because it is the only way a job ticket could be created. Applicant strongly disagrees. Ghanime teaches at col. 5, lines 53-62, col. 4, lines 14-16, and col. Lines 6-13 that the OSM generates an email for any sensor that generates a fault message. There is no validation, inherent or otherwise, with the OSM simply transmitting the message with the information retrieved from a database of sensor identification messages. Validation does not occur simply because the OSM uses the sensor ID to retrieve data from a database as the message could have come from a differing device, and hence, the validation Examiner finds "inherent" is not the "only" way the error message could be transmitted. As discussed above, the method of transmitting error messages for network devices used prior to Applicant's method is described in Applicant's Background and involved assuming the message was received from a network device and issuing numerous job tickets without validation. Because Ghanime fails to teach each and every limitation of claim 1, Applicant requests that the rejection be withdrawn and the claim allowed.

Claims 12 and 15-18 depend from claim 10 and are believed allowable as depending from an allowable base claim. Additionally, claim 16 calls for the failure information to include geographic information for the one network device and the method to include "identifying a maintenance center associated with the one network device based on the geographic location information." The Office Action cited Ghanime at col. 5, lines 62-64 for providing this teaching, but Ghanime teaches sending a message to a maintenance group that is linked to the sensor. In other words, a geographical location is not determined nor used to determine the correct maintenance center but instead, the maintenance center is preassigned and simply retrieved in a look up step.

The Response to Arguments states in response to "item b)" that the identification is clearly taught because Ghanime identifies a "plant location" and then identifies a maintenance center based on this location (Applicant is not sure why the Examiner cites col. 5, lines 62-64 as this does not seem to support this argument). However, this argument misstates the teaching of Ghanime which merely teaches retrieving information based on the sensor ID not based on the plant location as implied by the Examiner. Ghanime is discussing components with fixed locations and is not concerned with mobile network devices, and hence the use of assigned maintenance centers is appropriate and this is what Ghanime describes in determination of which maintenance center to address an email message concerning a fault. For this additional reason, claim 16 is allowable over Ghanime.

Claim 18 calls for determining a member within a service group to receive the error alert and electronically notifying that member. The Office Action cites Ghanime at col. 4, lines 35-50, which only teaches that a human operator receives an email at the "MDC 116" and views the email. Hence, Ghanime teaches that all emails are sent to an "MDC 116" and there is no selective notification as called for in claim 18. Again, the Response to Arguments argues that such teaching is "inherent" as the Ghanime is "inherently capable" of performing this function. Courts have held that in making a rejection it is proper to take "into account not only the specific teachings of each reference, but also the inferences which one skilled in the art would have reasonably been expected to draw from the disclosure." Ex Parte Nesbit, 25 USPQ2d 1817 (Bd. Pat. App. & Inter. 1992), *citing* In re Preda, 401 F.2d 825, 159 USPQ 342 (CCPA 1968). However, in this case, Applicant does not believe it would be reasonable to make the inference being made by Examiner simply because the Ghanime system is "capable" of performing the function but not citation is provided of Ghanime actually performing the function. If "capable" were the test, nearly any reference would teach a claimed invention because with the Applicant's teaching in front of one skilled in the art they could modify the reference's teaching to arrive at the claimed invention. Applicant asserts that one skilled in the art would

not infer from the notification of a human operator the determining and automatic notifying called for in claim 18 (see, also, MPEP §2144.01 regarding implicit disclosure).

Independent claim 24 is directed to a service support system that includes a memory device including files for storing identification data for network devices, for storing threshold limits for previously identified network failure types, and for storing tracking information for these failure types indicating a number of the error alerts received relating to each failure type. An auto ticket tool receives error alerts and processes the error alerts to identify the failure type, to determine "if the threshold limit for the failure type is exceeded based on the updated tracking information," and if the threshold is exceeded, creates a job ticket. Ghanime fails to teach the use of threshold values that are integers for failure types to determine when to issue job tickets. For at least this reason, claim 24 is allowable in light of the teaching of Ghanime.

The Office Action cites Ghanime at col. 3, lines 52-58 for teaching storing threshold limits of previously identified network failure types and their tracking information. At this citation, Ghanime provides a very different teaching than that of claim 24. Ghanime teaches databases 110 that store information regarding acceptable operating limits for the power generation equipment being monitored by the sensors 106 and information for determining operating problems with the sensors. There is no teaching of storing integer thresholds for various problems or tracking of such problems. The Response to Arguments with regard to "item e)" simply repeats the citation to col. 3, lines 52-58 and states the operating limits "are the threshold limits". Applicant strongly disagrees with this construction of the operating limits of the sensors of Ghanime. Further, the limitations of claim 24 do not require further clarification to distinguish the claimed system from Ghanime as updating the stored tracking information includes "a number of error alerts received relating to each of the failure types" and the after the tracking information is updated based on a received error alert than it is determined if the threshold limit is exceeded. Ghanime fails to teach

updating a number of error alerts and then checking to see if a threshold limit is exceeded for that failure type. Hence, Ghanime fails to support a rejection of claim 24.

More specifically, as discussed in Applicant's prior response, Ghanime does not teach, for example, storing for a turbine the threshold of "3" for "vibration outside of acceptable limits" or "pressure outside limits", which would be the case if the Examiner's interpretation of Ghanime was correct. Instead, Ghanime teaches sending an email message for fault detected by a sensor – which may result in the difficulty of numerous fault email messages that are repetitive (e.g., an email message will be generated every time a sensor detects operation of a machine outside of a preset range) or even false as discussed in Applicant's Background.

The Response to Arguments fails to state how Ghanime teaches updating tracking information including the "number of the error alerts received relating to each of the failure types" but instead simply states that a sensor that detects when a device such as a turbine operates outside a predefined operating range that this teaches the threshold limits of claim 24. This argument fails to address all the limitations of claim 24, and hence, Applicant requests that the Examiner provide a specific citation in Ghanime of tracking the number of sensor detections outside an operating range and then generating an alert when that preset number or threshold is exceeded or to withdraw the rejection.

Yet further, the Office Action cites Ghanime at col. 5, lines 51-60 for receiving an error alert and comparing updated tracking information to a threshold value to determine if a job ticket should be created for a particular network device. Ghanime teaches that the OSM 102 in step 212 monitors the sensors 106 and when they generate a failure or other anomaly signal the OSM 102 "determines whether an email message should be issued" and if determined appropriate, the email message is sent. There is no teaching that the OSM 102 updates tracking information for the machine associated with the sensor and compares this updated tracking information with a threshold for a particular,

previously identified problem. Instead, it is likely that the OSM 102 determines if the sensor has detected operation outside of an acceptable operating range, and if so, an email message is generated. There is no apparent tracking of ongoing operations prior to generating such an email. For this additional reason, Ghanime does not anticipate claim 24, and Applicant respectfully requests that the rejection based on Ghanime be withdrawn.

Claims 25-27 depend from claim 24 and are believed allowable as depending from an allowable base claim. Additionally, claim 26 calls for determining whether the network device is on an outage list prior to generating the job ticket. Ghanime is cited at col. 5, lines 53-60 for teaching this limitation. As discussed with reference to claim 24, Ghanime indicates that its OSM 102 determines whether an email message should be sent when a sensor generates a failure signal but provides no teaching or even a suggestion that such determining includes accessing an outage list with the identification of the machine being monitored by the sensor to determine whether or not to send the email message. Claim 27 includes limitations similar to claim 16, and the reasons for allowing claim 16 are equally applicable to claim 27. For these additional reasons claims 26 and 27 are believed allowable over Ghanime.

Rejections under 35 U.S.C. 103

Additionally, in the Office Action, claims 1-9 and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,704,782 ("Achtermann") in view of Ghanime. Claim 2 is canceled. The rejection of claims 1, 3-9, and 21-23 is respectfully traversed based on the following remarks.

Claim 1 calls for comparing an updated tracking value for an identified failure type to a threshold limit and if the threshold is exceeded, creating a job ticket for the particular device. The Office Action states that Achtermann fails to show creating a job ticket when a threshold limit is exceeded, and as a result, cites Ghanime in an attempt to overcome this deficiency in Achtermann.

However, as discussed with reference to claim 24, Ghanime provides no teaching of tracking of the number of times a fault is identified by a sensor and comparing this tracked number with a threshold. The Response to Arguments merely states that the operating ranges are threshold limits, but Applicant disagrees as there is no teaching that of "comparing the updated tracking value for the identified failure type to a threshold limit..." as called for in claim 1. The tracking numbers are "incrementally" changed during error tracking, which indicates that the tracking numbers act as counters for error types.

Nothing in Ghanime even suggests such a tracking but instead a sensor determines when a device is out of an operating range. Specifically, Ghanime teaches sensors that monitor machines and a monitor that issues emails when the sensor detects operation outside a predetermined operating range (not when the machine operates outside the range a number of times that exceeds a threshold). Further, claim 1 requires that the threshold limit be specific to the identified failure type and Achtermann and Ghanime fail to teach setting thresholds differently for differing types of problems. Hence, the rejection of claim 1 based on Achtermann and Ghanime is not proper and should be withdrawn.

Claims 3-9 depend from claim 1 and are believed allowable at least for the reasons for allowing claim 1. Claim 3 calls for the thresholds to be modified and this is not shown at col. 3, lines 47-51 of Ghanime, which merely mentions that databases are used to store acceptable ranges of operation for machines. No discussion is provided of altering these operating ranges, and in any event, these ranges are not threshold limits quantifying the number of times a failure can occur before a job ticket is generated. For these additional reasons, the rejection of claim 3 in light of the combined teaching of Achtermann and Ghanime is not proper and should be withdrawn.

Independent claim 21 is directed to a computer program product for processing error alerts. The reasons for allowing claim 1 are believed at least in part applicable to claim 21. Claims 22-23 depend from claim 21 and are

believed allowable as depending from an allowable base claim. Further, claim 22 includes limitations similar to claim 26 and the deficiencies of Ghanime pointed out with reference to claim 26 are applicable to claim 22. Further, claim 23 calls for correcting a portion of the failure information in the job ticket. Ghanime is cited at col. 4, lines 6-26 for teaching this limitation, but at this citation, there is no teaching or suggestion that any information from the sensor may be incorrect or that it can or should be corrected. For these additional reasons, claims 22 and 23 are allowable over the combined teachings of these references.

Further, in the Office Action, claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime in view of U.S. Pat. No. 6,581,092 ("Motoyama"). This rejection is traversed based on the following remarks. The Response to Arguments does not address the reasons for allowance provided in Applicant's prior response, and hence, the following arguments provided in Applicant's prior response are repeated for Examiner's convenience.

Claims 13 and 14 depend from claim 10 and are believed allowable as depending from an allowable base claim. Further, Motoyama fails to overcome the deficiencies in Ghanime discussed above with reference to claim 10. Particularly, Motoyama provides no teaching of "validating" an error alert by comparing failure information in the alert with identification information and then, only if the error alert is thus validated creating a job ticket. Further, Motoyama fails to teach that such validating may include inspecting the subject line of an alert for non-valid subject items (claim 13) such as "forward and reply" (claim 14).

Instead, Motoyama merely looks to see if an email can be received based on whether the email "is for the attached device" by parsing the message for a code. Claims 13 and 14 do not determine if the email is for the user or attached device but instead determine if an error alert is valid for use in creating a job ticket by inspecting the subject line. For these additional reasons, the rejection

of claims 13 and 14 is improper based on the combination of Ghanime and Motoyama, and it is requested that this rejection be withdrawn.

Conclusions

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

No fee is believed due with this Amendment, but any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

11/05/04

Kent A. Lembke, Reg. No. 44,866
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5378 Tel
(303) 899-7333 Fax